

REFERRED To: (HOUSE)

SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

First Reg. SESSION, 2008

H.B. NO. 16-61

A BILL FOR AN ACT

TO AUTHORIZE BOND OR OTHER FINANCING NOT TO EXCEED \$20,000,000
FOR THE PAYMENT OF LAND COMPENSATION CLAIMS; AND FOR OTHER
PURPOSES.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and Purpose.** The Legislature finds that there are still land
2 compensation claims that have not been paid. The Legislature further finds that funding
3 under Public Law 13-17, as amended, for the payment of claims has been exhausted. A
4 viable source of new funding for the payment of existing unpaid and new claims is the
5 interest income transferred annually from the Marianas Public Land Trust to the general
6 revenues of the Commonwealth Government as required under section 6(d) of article XI
7 of the Commonwealth Constitution. The purpose of this act is to authorize bond or other
8 financing to obtain the needed funds to pay such land compensation claims.

9 **Section 2. Land Compensation Authorized.** Section 4742 of article 3, chapter
10 7, division 4 of title 2 of the Commonwealth Code is amended by adding a new
11 subsection (f) to read as follows:

12 “(f) In addition to the public debt authorized pursuant to and in similar terms and
13 conditions relating to such public debt authorization as provided under subsections (a) to
14 (e) of this section, but not inconsistent with this subsection, public debt not to exceed \$20
15 million under the full faith and credit of the Commonwealth Government is hereby
16 authorized for the sole purpose of land compensation as provided in this subsection.

17 (1) The Department of Public Lands, in consultation with and through the
18 Commonwealth Development Authority, shall secure bond financing as
19 prescribed under Public Law 11-3, or other financing, the proceeds of which shall
20 be used to pay land compensation claims under § 4744, subject to § 4743(g).

1 Bond financing obtained under this subsection shall be deemed authorized as
2 provided under 10 CMC §§ 10451 *et seq.*

3 (2) Notwithstanding any other law to the contrary, the interest income that
4 is transferred annually from the Marianas Public Land Trust to the Department of
5 Finance as required under section 6(d) of article XI of the Commonwealth
6 Constitution shall be reserved in a special account to be established by the
7 Secretary of Finance and used to repay the bond or other financing. The amounts
8 deposited in the account are hereby continuously appropriated exclusively to
9 repay the debt service requirements associated with any financing under this
10 subsection.”

11 **Section 3. Payment of Land Compensation Claims.** Section 4743 of article 3,
12 chapter 7, division 4 of title 2 of the Commonwealth Code is amended by adding a new
13 subsection (g) to read as follows:

14 “(g) Within 180 days after the effective date of this subsection, the
15 Department of Public Lands and the Commonwealth Development Authority
16 shall secure the funding necessary as authorized under § 4742(f) to pay land
17 compensation claims, subject to the compensation priorities set forth in § 4743(f),
18 in the following order:

19 (1) unpaid claims that, prior the effective date of this subsection,
20 have already been approved for compensation by the Department of Public
21 Lands; provided that all such claims shall be paid in full not later than one
22 year after the effective date of this subsection;

23 (2) claims that, prior the effective date of this subsection, have
24 been submitted to the Department but have not yet been approved; and

25 (3) claims submitted to and approved for compensation by the
26 Department on or after the effective date of this subsection, subject to
27 availability of funds for the payment thereof.”

28 **Section 4. Processing of Claims.** Section 4747 and succeeding sections of
29 article 3, chapter 7, division 4 of title 2 of the Commonwealth Code are renumbered to

HOUSE BILL NO. **16-61**

1 section 4748 and so forth. The Law Revision Commission is authorized to make
2 technical amendments wherever necessary to reflect references to the renumbered
3 sections. A new section 4747 shall read as follows:

4 **“§ 4747. Processing of Claims.**

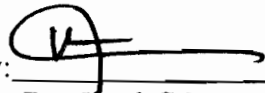
5 The Secretary of Public Lands shall promulgate rules and regulations
6 within 30 days after the effective date of this section providing for the
7 requirements to submit a proper land compensation claim for consideration and
8 determination. These requirements shall apply to claims submitted on or after the
9 effective date of this section. Within 30 days after the submission of a proper
10 claim, the Department of Public Land must issue a written notification informing
11 the claimant on the Department’s findings and disposition of the claim.”

12 **Section 5. Severability.** If any provision of this Act or the application of any
13 such provision to any person or circumstance should be held invalid by a court of
14 competent jurisdiction, the remainder of this Act or the application of its provisions to
15 persons or circumstances other than those to which it is held invalid shall not be affected
16 thereby.

17 **Section 6. Savings Clause.** This Act and any repealer contained herein shall not
18 be construed as affecting any existing right acquired under contract or acquired under
19 statutes repealed or under any rule, regulation or order adopted under the statutes.
20 Repealers contained in this Act shall not affect any proceeding instituted under or
21 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,
22 or in any way modifying, any liability, civil or criminal, which shall already be in
23 existence on the date this Act becomes effective.

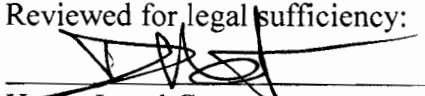
24 **Section 7. Effective Date.** This Act shall take effect upon its approval by the
25 Governor or becoming law without such approval.

Date: 3/12/08

Introduced By: 

Rep. Joseph C. Reyes

Reviewed for legal sufficiency:


House Legal Counsel